

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

IN RE:

Richard K. Stultz

Debtor

Case No: 22-31669
(Chapter 13)

JUDGE GUY R. HUMPHREY

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN (DOC. 6) AND REQUEST FOR
DENIAL OF CONFIRMATION**

The Chapter 13 Trustee recommends that the plan (Doc. 6) not be confirmed, all as more fully set forth in the attached memorandum. A plan has not been confirmed.

Hearing Date March 02, 2023 at 10:30 AM
West Courtroom, 120 W. Third St., Dayton, OH

Case Memo:

Case Filed: December 8, 2022	Prior Cases <input checked="" type="checkbox"/> YES <input type="checkbox"/> no
Plan Filed: December 8, 2022	Debtor <input checked="" type="checkbox"/> SINGLE <input type="checkbox"/> married
Step Plan <input type="checkbox"/> yes <input checked="" type="checkbox"/> NO	Net Income (Month) \$3,692.00
Applicable Commitment Period 60 Months	Sch. J Expenses \$2,633.00
Plan Length as Proposed: 60 Months	Median Income: Above
Mortgage(s) <input checked="" type="checkbox"/> YES <input type="checkbox"/> no	Percent to Unsecured 0 %
Who Disburses Mortgage(s) <input checked="" type="checkbox"/> TRUSTEE <input type="checkbox"/> debtor <input type="checkbox"/> both	

NOTE: Unsecured by definition are non-priority unsecured creditors. *See In re Echeman*, 378 B.R.177 (Bankr. S.D.OH2007).

MEMORANDUM

Chapter 13 Trustee's Noted Deficiencies in Plan/Amended Plan and/or Case and Grounds for Objection to Confirmation

THE PLAN

[X] 11 U.S.C. § 1322(d) - Plan calculation exceeds five (5) years

Reason: DUE to tax claims filed by the IRS and State of Ohio, the plan needs \$1014 per month to timely complete.

[X] 11 U.S.C. § 1325(a)(9) - Debtor has failed to file all applicable tax returns as required by 11 U.S.C. § 1308, to wit: 2021 income taxes not filed.

[X] Other: CenterPoint Energy was not served a copy of the plan.

ABOVE MEDIAN DEBTORS

/s/ John G. Jansing

John G. Jansing 0040926
Chapter 13 Trustee
409 E Monument Ave. Suite 410
Dayton, OH 45402-1161
(937) 222-7600 FAX (937) 222-7383
email: chapter13@dayton13.com

CERTIFICATE OF SERVICE

22-31669

I hereby certify that a copy of the Chapter 13 Trustee's Objection To Confirmation Of Plan was served **electronically** on the date of the filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and by **First Class Mail** on January 27, 2023 addressed to:

Richard K. Stultz
13705 Eaton Pike
New Lebanon, OH 45345

/s/ John G. Jansing
John G. Jansing